

REMARKS

Claims 1 and 3-10 are pending in the application.

Claims Rejections – 35 U.S.C. § 112

The Examiner has rejected claim 1 asserting that the phrase “flow with gas” lacks sufficient antecedent basis as treating an aqueous salt solution with gas is not previously mentioned in the claim. The Examiner also rejects claims 1-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Specifically, the Examiner asserts that, while a flow of gas and/or liquid is stated in claim 1, is unclear whether Applicants intend the aqueous salt solution to be treated with gas.

Claim 1 has been amended to delete the phrase “with gas and/or liquid” and the word “over”, and to recite that no longitudinal flow takes place at the feed side of the membrane, and claim 2 has been cancelled in view of this amendment. Support for this amendment can be found in the specification at, for example, pages 4-5, ¶¶ [0017], [0020] and [0029]. Claim 6 has been amended to correct a typographical error such that claim 6 now depends directly from claim 5, not claim 6. No new matter has been added by these claim amendments. Accordingly, entry of the amendments, as well as reconsideration and withdrawal of the § 112 rejections are respectfully requested.

Claims Rejections - 35 U.S.C. § 102(e) and § 103(a)

In paragraphs 3-7 at pages 2-5 of the Office Action, the Examiner has rejected all of the claims (claims 1-10) under 35 U.S.C. § 102(e) or § 103(a) as being anticipated by and/or obvious over U.S. Patent No. 6,402,956 B1 of Andou, *et al.* (“Andou ‘956”) either alone or in combination with one or more prior art references. The Examiner relies on Andou ‘956 as having a § 102(e) filing date of January 20, 2000, which is prior to the July 28, 2000 filing date of International Application No. PCT/NL00/00545 to which Applicants claim priority. However, the priority date of related Netherlands Application No. 1012975 is September 3 1999, which is prior to the January 20, 2000 effective prior art date of Andou ‘956. Therefore, since the Dutch

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priority application supports the presently claimed invention, Applicants assert that Andou '956 is not an effective prior art reference. Applicants provide a verified English translation of the Dutch priority application, attached hereto as Exhibit A. Since the Dutch priority application is virtually identical to the International application and the present U.S. continuation application, it is clear that the present claims are supported by the Dutch application and entitled to the September 3, 1999 filing date.

In view of the foregoing Amendments and Remarks, Applicants submit that the pending claims comply with the requirements of § 112 and are patentably distinct from the effective prior art of record. Accordingly, reconsideration and withdrawal of the Examiner's rejections, and an early Notice of Allowance are respectfully requested.

It is noted that the Examiner has not returned the PTO/SB/08A Form submitted with the Information Disclosure Statement filed on May 28, 2002. It is respectfully requested that the Examiner initial and return to the undersigned the PTO/SB/08A Form indicating that all the references cited therein have been considered.

Respectfully submitted,

Leo Peter Wessels, et al.

December 1, 2003
(Date)

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Enclosures Petition for Extension of Time (one-month)]

Verified English translation of Dutch priority application 1012975